Union Territories of Andaman and Nicobar Islands, Chandigarh, Daman and Diu, Dadra and Nagar Haveli and Lakshadweep.

(b) There are various reasons for which many States have not been able to establish Family Courts as yet. In some States in North East, existing customary courts deal with matrimonial matters. Lack of financial resources, difficult topography, and insufficient institutions of matrimonial cases have also held back establishment of Family Courts.

(c) All States and Union Territories are being impressed upon from time to time to set up Family Courts in each district of the country.

Amendment in Article 12

824. SHRI RAMA MUNI REDDY SIRIGIREDDY: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that the Commission on the Working of the Constitution recommended for changes in Article 12 of the Constitution;

(b) if so, the details of the recommendations made with regard to Article 12 of the Constitution; and

(c) the action Government have taken thereon?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P.C. THOMAS): (a) Yes, Sir.

(b) The Commission has recommended that in article 12 of the Constitution the following Explanation should be added :

> "Explanation—In this article, the expression "other authorities" shall include any person in relation to such of its functions which are of a public nature."

(c) The Government is examining the recommendation.

Recommendations of NJPC

825. SHRI NANDI YELLAIAH: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government have considered the recommendations of the National Judicial Pay Commission regarding hike in salaries of the Judges and increasing the number of Judges in various States;

(b) if so, the recurring and non-recurring expenditure involved on account of implementation of the above recommendations;

(c) whether some State Governments have expressed financial and constitutional difficulties in implementing these recommendations; and

(d) if so, the budgetary provisions made by Centre, States and Union Territories to implement these recommendations?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P.C. THOMAS): (a) Yes, Sir. The recommendations of First National Judicial Pay Commission (Shetty Commission), including hike in salaries were considered and partially implemented by the Central Government *vide* orders dated 11.10.2001 and 11.3.2002 in respect of judicial officers of Union Territories, for which the Central Government is administratively responsible. While adopting the pay scales, particular care was taken to secure uniformity, and also to maintain parity with services with whom the subordinate judiciary has maintained traditional relativity.

As regard increasing the number of judges in various States, the First National Judicial Pay Commission has not made any recommendations. However, the Supreme Court, in its judgment dated 21.3.2002, in All India Judges, Association Case, directed that in increase in the judge strength from the existing ratio of 10.5 or 13 per 10 lakh people to 50 judges per 10 lakh people should be effected and implemented within a period of five years. In this regard, the Central Government have filed an affidavit in the Supreme Court on 28.8.2002 praying that the increase in judge strength in the Union Territories be allowed based on workload and pendency of cases. The matter is *sub judice*.

(c) The recurring expenditure involved on account of implementation of the recommendations of Shetty Commission in respect of judicial officers of Union Territories implemented *vide* order dated 11.10.2001 is Rs. 35 lakhs per annum. Non-recurring expenditure was not involved as the recommendations were implemented prospectively.

(c) Yes, Sir.

(d) Pay scales of subordinate judiciary is a State subject under entry 41 of List-II of the VIIth Schedule to the Constitution of India. The Central Government is responsible for Union Territories only.

The Union Cabinet decided to bring up a legislation under article 309 of the Constitution to regulate the salary and service conditions of the judicial officers in Union Territories and to introduce a Special Judicial Allowance (SJA) @ 10% of the existing basic pay to the judicial officers. The Bill was introduced in the Lok Sabha on 9th May, 2003. The Bill has now been referred to the Department-related Parliamentary Standing Committee on Home Affairs for examination and report.

High Court Bench in Sambalpur

826. MS. PRAMILA BOHIDAR: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government have received any proposal for setting up a High Court Bench in Sambalpur;

(b) whether such a decision would facilitate disposal of the pending cases;

(c) if so, the details thereof; and

(d) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI P.C.THOMAS): (a) No, Sir.

(b) to (d) The setting up of a Bench of a High Court away from its principal seat is considered on the receipt of a complete proposal from the concerned State Government with the consent of the Chief Justice of that High Court.

New guidelines for CPC

†827. SHRI P. K. MAHESHWARI: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether implementation of the new guidelines for the Civil Procedure Code has resulted in fast disposal of civil cases on a large scale;

(b) if so, the number of cases disposed off in Madhya Pradesh, Chhattisgarh and Maharashtra; and

†Original notice of the question was received in Hindi.